

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Favian Hayes,) C/A NO. 4:11-2838-CMC-TER
)
Plaintiff,) **OPINION and ORDER**
)
v.)
)
Mental Health Counselor Mr. Williams,)
)
Defendant.)
_____)

On July 12, 2012, the undersigned adopted the Report and Recommendation (“Report”) of United States Magistrate Judge Thomas E. Rogers, III, and dismissed this matter with prejudice due to Plaintiff’s failure to prosecute this matter. ECF No. 34. Judgment was entered by the Clerk that same day. ECF No. 35.

On July 12, 2012, the Clerk received “Plaintiff [sic] Objection to Summary Judgment.” ECF No. 37. This response to Defendant’s summary judgment motion is dated July 1, 2012; however, it was received in the McCormick Correctional Institution mailroom on July 9, 2012. *See Envelope at 2* (ECF No. 37-1). Plaintiff’s response to Defendant’s summary judgment motion was due, however, on June 11, 2012.

A review of Defendant’s summary judgment motion and Plaintiff’s response thereto, received almost a month after it should have been filed, does not lead this court to find that this matter should be reopened. Plaintiff’s response to Defendant’s dispositive motion is inadequate, and the result (dismissal with prejudice) remains the same.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 17, 2012